

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NICHOLAS TYLER WRASPIR,

Plaintiff,

v.

DAN DAY et al.,

Defendants.

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Case No. CIV-23-1065-D

ORDER

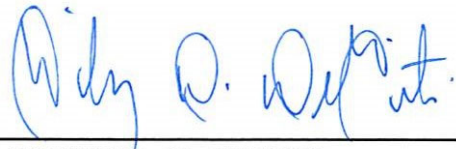
Before the Court is United States Magistrate Judge Shon Erwin's Report and Recommendation [Doc. No. 35] filed pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Erwin recommends that the Court (1) quash the original service attempt on Defendant Stevens in his individual capacity; and (2) allow Plaintiff an opportunity to effectuate proper service or risk dismissal of the claim against this Defendant.

The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline for doing so, and the firm waiver rule. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See id.*; *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 35] is **ADOPTED** in its entirety. For the reasons explained therein, Defendant Steven's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment and Brief in

Support [Doc. No. 32] is **GRANTED in part**. Plaintiff's original service attempt on Defendant Stevens in his individual capacity is **QUASHED**, but Plaintiff is allowed 30 additional days from the date of this order, or until March 23, 2025, to effectuate service on Defendant Stevens.

IT IS SO ORDERED this 21st day of February 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge